

Complete text of local measures

CLARK COUNTY CHARTER

Approved by the Board of Freeholders
on June 18, 2002

CHARTER INDEX

ARTICLE I - CODE OF ETHICS

ARTICLE II - POWERS OF THE COUNTY

- Section 2.10 - General Powers
2.20 - Intergovernmental Relations
2.30 - Name, Boundaries and County Seat

ARTICLE III - LEGISLATIVE AND EXECUTIVE BRANCHES

- Section 3.10 - The Board of County Commissioners
3.20 - Composition
3.30 - Electoral District
3.40 - Powers
3.40.10 - Legislative Power
3.40.20 - Executive Power
3.50 - Rules and Organization of the Board of Commissioners

ARTICLE IV - LEGISLATION

- Section 4.10 - Regular Ordinances
4.20 - Emergency Ordinances
4.30 - Adoption of Statutes and Codes by Reference
4.40 - Codification of Ordinances

ARTICLE V - OTHER ELECTED OFFICIALS

- Section 5.10 - Composition
5.20 - Powers and Duties

ARTICLE VI - ADMINISTRATIVE DEPARTMENTS

- Section 6.10 - Composition, Duties, and Responsibilities
6.20 - Resolution and Motions

ARTICLE VII - ELECTIONS

- Section 7.10 - Election Procedures
7.20 - Qualifications of Elected Officials

- 7.30 - Terms of Office
7.40 - Conflict of Interest
7.50 - District Boundaries
7.60 - Vacancies

ARTICLE VIII - THE PUBLIC INTEREST

- Section 8.10 - The Initiative
8.20 - Initiative - Limitations
8.30 - Initiative - Procedure
8.40 - Initiative - Action by Commissioners
8.50 - The Referendum
8.60 - Referendum - Limitations
8.70 - Referendum - Procedure
8.80 - Recall
8.90 - Access to Public Officials

ARTICLE IX - CHARTER REVIEW AND AMENDMENT

- Section 9.10 - Charter Review Commission
9.10.10 - Election and Period of Office
9.10.20 - Vacancy
9.10.30 - Procedures
9.20 - Charter Amendment
9.20.10 - General Provisions
9.20.20 - Amendments by the Charter Review Commission
9.20.30 - Amendments by the Public
9.20.40 - Amendments by the Board of County Commissioners

ARTICLE X - SEVERABILITY

ARTICLE XI - TRANSITIONAL PROVISIONS

- Section 11.10 - Transition
11.20 - Effective Date
11.30 - Continuation of Ordinances and Vested Rights
11.40 - Transitional Districting
11.50 - Terms of Office, Year of Election of County Commissioners
11.60 - Commencement of Terms of Office
11.70 - County Employees
11.80 - Boards and Commissions

- 11.90 - Budget
11.100 - Initial Voter Revision

CLARK COUNTY CHARTER

PREAMBLE:

We, the people of Clark County, adopt this Charter to provide a county government that is just, efficient, democratic, and responsive to our social, economic, and environmental concerns. We hold this charter and future charter provisions to be consistent with the constitutions of the United States of America and the State of Washington.

Article I - CODE OF ETHICS

The county shall enact by ordinance a code of ethics that applies to all officers and employees of the county.

Article II - POWERS OF THE COUNTY

Section 2.10: General Powers

The County shall have all powers that may be exercised by a home rule county pursuant to the constitution of the State of Washington. The enumeration of specific powers in this charter is not intended to limit the exercise of any available powers that are not specified. The County shall have the maximum flexibility allowed by the Constitution and the general laws of the State in determining the methods by which the county's powers shall be exercised.

Section 2.20: Intergovernmental Relations

The county may, in the exercise of its powers and the performance of its duties, whether or not specifically assigned by this charter to any officer, board, commission, or agency, agree by contract, or otherwise to participate jointly or in cooperation in any function, project, or activity with any one or more governments, governmental agencies, municipal corporations, in any manner permitted by law, and to share the costs and responsibilities of such functions, projects, or activities.

Section 2.30: Name, Boundaries and County Seat

The name, boundaries, and county seat of Clark County shall remain as they are on the date of adoption of this charter or until changed according to law. Branch county offices may be established by ordinance.

ARTICLE III - LEGISLATIVE AND EXECUTIVE BRANCHES

Section 3.10: The Board of County Commissioners

The legislative and executive body shall be the Board of County Commissioners, hereinafter referred to as the "Commissioners."

Section 3.20: Composition

The Board of Commissioners shall consist of [three members] or [five members]. At the same time as the vote for Charter adoption, the number of Commissioners will be determined by a vote of the people on a separate ballot measure.

Section 3.30: Electoral District.

The county shall be divided into Commissioner Districts. Each Commissioner shall be [nominated by district and elected by countywide vote] or [nominated and elected by the voters of each district]. At the same time as the vote for Charter adoption, the nomination and election process will be determined by a vote of the people on a separate ballot measure.

Section 3.40: Powers

3.40.10: Legislative Power

The legislative power of the county, except as reserved to the people, shall be vested in the Board of Commissioners. The Commissioners, as authorized by state law, shall exercise their legislative power by adoption and enactment of ordinances; shall levy taxes, appropriate revenue and adopt budgets for the County; shall establish the compensation to be paid to all county officers and employees; and shall provide for the reimbursement of expenses. Except as otherwise provided in this Charter or by ordinance, the Commissioners have the power to establish, abolish, combine, or divide offices, departments, and agencies, and establish their powers, duties, and responsibilities as provided by law or ordinance. The Commissioners shall have the power to adopt, by ordinance,

comprehensive plans for the present and future development of the county. They shall have the power to conduct public hearings to assist them in the performance of their legislative responsibilities and to administer oaths. The enumeration of particular legislative powers shall not be construed as limiting the legislative powers to the Commissioners as provided by law.

3.40.20: Executive Power

The executive power of the county shall be vested in the Board of Commissioners except those powers assigned to other elected officials and other elected boards and commissions by law. The Commissioners shall exercise their executive power by executing and enforcing laws and ordinances; interpreting ordinances, resolutions, and policies; employing and discharging personnel; appointing and removing members of boards and commissions; directing the preparation of the budget; conducting or serving on boards and commissions; and signing or causing to be signed contracts, vouchers, deeds, and other instruments. The Commissioners shall delegate duties, functions, and responsibilities but will remain accountable for all executive actions.

Section 3.50: Rules and Organization of the Board of Commissioners

The Board of Commissioners shall, by ordinance, adopt its own rules and organization. The Board shall elect annually one of its members as chair, who shall preside at all meetings of the Commissioners, and another as vice-chair who shall act in the absence of the chair. A majority of the Board of Commissioners shall constitute a quorum at all meetings. Commissioners' action shall require at least a majority of the entire Board of Commissioners except as provided by the charter or resolution. The Commissioners shall meet at least once in each of forty-six weeks during the calendar year, and shall adopt by ordinance rules and procedures designating the time and place for the conduct of their meetings and the manner of introduction, consideration, adoption, and publication of the ordinances. Meetings of the Commissioners shall be held in accordance with state law. The Commissioners may appoint staff as they deem necessary to assist them in the

performance of their duties.

ARTICLE IV - LEGISLATION

Section 4.10: Regular Ordinances

An ordinance approved by the majority of the Board of County Commissioners is required for any legislative act. A legislative act is any action that imposes a fine, penalty, forfeitures, or other legal sanction, or that adopts a new policy or plan as a permanent rule of government.

Proposed ordinances shall be limited to one subject. The subject of every ordinance shall be clearly stated in the title. Proposed ordinances or summaries of them, the places where copies are filed, and the times when they are available for public inspection shall be published. Ordinances may be introduced by any Commissioner.

At least ten days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption and enactment, the Commissioners shall hold a public hearing, after due notice, to consider the proposed ordinance. Except as provided herein, the effective date of an ordinance shall be on the forty-sixth day after its enactment unless a later date is specified in the ordinance. If an ordinance may be subjected to a referendum as provided in Article VIII and if a proposed referendum petition is submitted to the County Auditor as provided in Section 8.70 prior to the forty-sixth day after its enactment, the ordinance shall not become effective until after it is approved by the voters. If it is approved by a majority of the voters voting on the issue, the effective date of an ordinance which is subjected to referendum or proposed by initiative, or a substitute ordinance proposed by the Commissioners as provided in Section 8.40, shall be ten days after the results of the election are certified unless a later date is specified in the ordinance. The effective date of an emergency ordinance shall be the date of its enactment.

Section 4.20: Emergency Ordinances

To meet a public emergency affecting life, health, property, or the public peace, an ordinance may be passed which shall be effective when approved by the Commissioners. Such an emergency ordinance shall, in a separate section, state the facts creating

the emergency. The provisions of every emergency ordinance shall cease to be effective as of the sixty-first (61st) day following the date of its enactment and shall not be reenacted as an emergency ordinance. Emergency ordinances shall not be subject to referendum.

Section 4.30: Adoption of Statutes and Codes by Reference

Ordinances may by reference adopt Washington State statutes, recognized printed codes, or a compilation of codes, in whole or in part.

Section 4.40: Codification of Ordinances

All ordinances of the county which are of a general and permanent nature or impose any fine, penalty, or forfeiture shall be compiled in a code which shall be adopted by ordinance and shall be known as the Clark County Code. The code shall be kept current to reflect newly adopted, amended, or repealed ordinances. A current copy shall be provided to the main regional library and such other places as the Commissioners deem appropriate.

ARTICLE V - OTHER ELECTED OFFICIALS

Section 5.10: Composition

There is hereby created by the adoption of this charter the offices of County Assessor, County Auditor, County Treasurer, County Clerk, Prosecuting Attorney, and County Sheriff. These elected officers shall be nominated and elected by the voters of the county, and their terms of office shall be four years and until their successors are elected and qualified. The County Assessor, County Auditor, County Treasurer, County Clerk, Prosecuting Attorney, and County Sheriff shall receive compensation as determined by the Commissioners.

Section 5.20: Powers and Duties

The County Assessor, County Auditor, County Treasurer, County Clerk, Prosecuting Attorney, and County Sheriff shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control, and records management systems established by the Commissioners through ordinance or

rule except insofar as such utilization would be contrary to their powers and duties. Provided, such elected official shall have the exclusive authority relating to hiring, termination and discipline of all employees of their respective departments.

The Prosecuting Attorney and Judges of the Superior and District Courts shall be elected and have all powers and responsibilities provided by the Washington State Constitution and State law.

ARTICLE VI - ADMINISTRATIVE DEPARTMENTS

Section 6.10: Composition, Duties, and Responsibilities

The Commissioners may create such administrative departments, offices, agencies, and positions as they deem necessary to assist them in the performance of their duties. The Administrative Departments, offices, and agencies shall be responsible to the Commissioners and shall perform such duties and functions as assigned.

Section 6.20: Resolutions and Motions

Administrative acts of the Commissioners shall be by written resolution or informal motion approved by a majority vote of the Commissioners. An administrative act is any action that implements or pursues a policy or plan already adopted by a legislative act of the Commissioners, or that exercises authority that has been granted to the Commissioners by this charter, or by State or federal power.

Commissioners in passing resolutions need not comply with procedural requirements for the introduction, consideration, and adoption of ordinances.

ARTICLE VII - ELECTIONS

Section 7.10: Election Procedures

The nominating primaries and elections for elective offices shall be conducted in accordance with general law governing the election of partisan county officers.

Section 7.20: Qualifications of Elected Officials

Each county official holding an elective office shall be, at the time of appointment or filing for election, and at all times while holding office, a citizen of the United States, and at

least a one-year resident and registered voter of Clark County. In addition, all Commissioners shall be residents and registered voters of their commissioner districts for at least one year prior to filing for the commissioner position and shall maintain residency in the commissioner district during the term for which the Commissioner was elected. No commissioner district boundary change shall disqualify the Commissioner from holding office during the remainder of his or her term of office.

Section 7.30: Terms of Office

The term of office of each elected official shall be for four years commencing January 1 following election and until a successor is elected, qualified, and has commenced to serve. The nomination and election of Commissioners shall be held every four years or as a county general election commencing in districts one and two with the election of 2004 and districts three, four, and five with the election of 2006.

Section 7.40: Conflict of Interest

No county elected officer shall hold any other office or employment within county government during his or her term of office and shall be subject to all financial conflict of interest and ethics provision of the Constitution and laws of the State of Washington.

Section 7.50: District Boundaries

The county shall be divided into five districts for the purpose of electing members of the Board of Commissioners. The boundaries of each district shall correspond as nearly as practicable with the boundaries of election precincts and shall be drawn to produce districts with compact and contiguous territory, composed of geographical units and natural communities, which are approximately equal in population based upon the most recent federal decennial census data.

Section 7.60: Vacancies

An elective office shall become vacant on the death, disqualification, resignation, removal of the officer, or for other causes. A vacancy in an elective office shall be filled in accordance with the general law of the State of Washington for partisan elected offices.

ARTICLE VIII - THE PUBLIC INTEREST

At the same time as the vote for Charter adoption, the decision on including initiative and referendum as a charter provision will be determined by a vote of the people on a separate ballot measure.

Section 8.10: The Initiative

The first power reserved to the people is the initiative. Any ordinance or amendment to an ordinance, except as limited by this charter, may be proposed by filing an initiative petition with the County Auditor. No ordinance enacted as a result of initiative shall be amended or repealed within two years after enactment except as a result of a subsequent initiative or referendum.

Section 8.20: Initiative -- Limitations

Ordinances providing for the compensation or working conditions of county employees, redistricting the county commissioner districts, authorization or repeal of any appropriation of money or any portion of the annual budget or capital program, or repeal of taxes shall not be subject to initiative.

No initiative petition requiring the expenditure of additional funds for an existing activity, or of any funds for a new activity or purpose, shall be filed or submitted to a vote unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

Section 8.30: Initiative -- Procedure

Any registered voter or group of voters of Clark County may file an initiative proposal with the Auditor who, within five business days, shall confer with the petitioner to review the proposal as to form and style. The Auditor shall determine within three business days of meeting with the petitioner whether the petition is in proper form and shall notify the petitioner in writing of his or her findings. If the petition is not in proper form, the Auditor shall refuse the petition and return it to the petitioner with a detailed written explanation of the defects. If the petition is in proper form, the Auditor shall forthwith transmit a copy of the proposal to the Prosecuting Attorney, who within ten business days of such transmission, shall confer with the petitioner to review the legal

aspects of the proposal, and formulate a concise statement posed as a positive question not to exceed twenty-five words which shall express and give a true and impartial statement and which shall thereafter be the ballot title, and shall write a true and impartial summary of the initiative not to exceed seventy-five words. The Prosecuting Attorney shall thereupon submit the initiative petition with ballot title and summary to the Auditor, who shall register the proposed initiative with a number which shall thereafter be the identifying number for the measure.

The petitioner shall have one-hundred-eighty days after the Auditor registers the initiative petition to collect the signatures of the registered voters of the county equal in number to not less than eight percent of the number of votes cast in the last even-year general election.

An initiative ordinance which, pursuant to State law, is effective only in unincorporated areas of the county may be proposed by filing petitions with the County Auditor; such petitions shall bear the signatures of registered voters residing only in the unincorporated areas of the county equal in number to not less than eight percent of the votes cast at the last even-year general election; provided, however, that the number of required signatures shall be calculated based only upon votes cast within areas which, on the date such petitions are required to be filed, are unincorporated areas of the county. Every initiative petition shall contain the warning clause prescribed by State law, the full text of the proposed measure, ballot title, and initiative summary.

Not more than thirty days after filing the petition the Auditor shall verify the sufficiency of the signatures on the petition. If validated, the Auditor shall transmit same together with a report thereon to the Commissioners at their next regular meeting.

Section 8.40: Initiative -- Action by Commissioners

The Commissioners shall hold a public hearing and shall adopt or reject the petition on a roll-call vote. If the proposed ordinance is not enacted by the Commissioners within sixty days after its introduction, it shall be submitted to the voters at the next

general election provided that not less than one-hundred-fifty days have elapsed between the introduction of the proposed ordinance and the election. If the proposed ordinance is enacted by the Commissioners within sixty days after its introduction it shall not be placed on the ballot nor voted on unless the referendum procedure is invoked.

If the Commissioners reject the proposed ordinance and adopt a substitute ordinance concerning the same subject matter, the substitute ordinance shall be placed on the same ballot with the proposed ordinance and the voters shall be given the choice of accepting either or rejecting both. The voters shall then be given the choice of accepting one and rejecting the other.

If a majority of those voting on the first issue is for rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue. If a majority of the voters voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved and shall become effective ten days after the results of the election are certified unless a later date is specified in the ordinance. Provided, that in the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county.

If a majority of those voting on the first issue is for rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue.

Section 8.50: The Referendum

The second power reserved by the people is the referendum. It may be ordered on any ordinance or any part thereof passed by the Board of Commissioners except as limited by this charter or the State Constitution.

Section 8.60: Referendum -- Limitations

Ordinances or portions of ordinances providing for collective bargaining, approving a collective bargaining agreement, or providing for the compensation or working conditions of county employees shall not be subject

to referendum.

Section 8.70: Referendum -- Procedure

Within forty-five days after the ordinance is passed by the Board of Commissioners, any registered voter of Clark County may file with the Auditor a referendum petition, signed by one hundred or more registered voters of Clark County, against the ordinance or portion thereof.

If verified by the Auditor that such referendum petition contains a sufficient number of valid signatures, the ordinance or portion thereof so referred shall be suspended. Provided, the filing of a referendum petition against a portion of an ordinance shall not delay the remainder of the measure from taking effect.

Within five working days of filing the referendum petition, the Auditor shall confer with the petitioner to review the proposal as to form and style; assign referendum petition a number, which shall thereafter be the identifying number for the measure; and shall then transmit a copy of the petition to the Prosecuting Attorney. The Prosecuting Attorney, within ten working days after receipt thereof, shall formulate a concise statement, posed as a positive question, not to exceed twenty-five words which shall express and give a true and impartial statement of the measure being referred and shall be the ballot title. The Prosecuting Attorney shall then register the referendum petition with the Auditor.

The petitioner shall have sixty days from registration to collect the signatures of registered voters of the county equal in number to not less than five percent of the number of votes cast in the county in the last even-year general election. Each petition shall contain the full text of the measure being referred and the ballot title.

The Auditor shall verify the sufficiency of the signatures on the filed petition within thirty days and, if validated, submit the measure to the people at the next primary or general election date, as designated by state law, said date being not less than ninety days from the submission of the petition for signature verification.

In addition, an enacted ordinance which, pursuant to State law, is effective only in unincorporated

areas of the county may be subjected to a referendum by the voters of the unincorporated areas of the county by filing with the County Auditor prior to the effective date of the ordinance, petitions bearing signature of registered voters residing in unincorporated areas of the county equal in number to not less than five percent of the votes cast at the last preceding even-year election; provided, however, that the number of required signatures shall be calculated based only upon votes cast within areas which, on the date such petitions are required to be filed, are unincorporated areas of the county. In the case of an ordinance effective only in unincorporated areas of the county, the proposed ordinance shall be voted upon only by the registered voters residing in unincorporated areas of the county.

The ordinance shall go into effect immediately in the event the filed petition does not contain sufficient valid signatures, the petition is not filed within the allocated time frames, or the ordinance subject to referendum is approved by the voters at such election, the ordinance shall go into effect immediately.

Section 8.80: Recall

The people shall have the right of recall as provided in the Constitution and laws of the State of Washington.

Section 8.90: Access to Public Officials

The adoption of this charter shall not be construed as changing the relationship of the constituents to their elected officials.

ARTICLE IX - CHARTER REVIEW AND AMENDMENT

Section 9.10: Charter Review

Commission

9.10.10: Election and Period of Office

Commencing no earlier than two years nor more than five years from the effective date of this charter, and thereafter commencing within one year from the date on which county population data from the federal decennial census is provided to Clark County by the State Redistricting Commission, the Board of County Commissioners shall cause an election of a Charter Review Commission (CRC). The CRC shall consist of fifteen members elected in equal numbers from each county commissioner district. Each

member of the CRC shall have been a resident of the district the candidate seeks to represent for not less than five years immediately preceding the date of filing a declaration of candidacy for the position. Elections of members of the CRC shall be conducted in accordance with general law governing the election of nonpartisan county officers. There shall be no filing fee. The member of the CRC who receives the greatest number of votes shall convene the CRC within thirty days of election results being verified by the County Auditor. The term of office shall be one year from the date of the election. The CRC need not meet continuously, but may meet at such time and in such places as it deems appropriate upon public notice. All meetings shall be open to the public except to the extent executive sessions are authorized by law.

9.10.20: Vacancy

Any vacancy on the CRC shall be filled by the remaining members of the CRC within thirty days, provided that, within fourteen days of the declaration of a vacancy, notice shall be given to the residents of the district in which the vacancy occurs in such manner as the CRC in its discretion deems advisable. Selection of the person to fill the vacancy shall be from those residing in the district in which there is a vacancy by a majority of affirmative votes of the CRC. The CRC may not declare a vacancy due to CRC member absences.

9.10.30: Procedures

The CRC shall review the charter to determine its adequacy and suitability to the needs of the county and may propose amendments. The CRC may present a written report recommending charter amendments, if any, to the Board of County Commissioners, and publish information and/or findings. Members of the CRC shall serve without salary, but shall be reimbursed for reasonable out-of-pocket expenses. The County Commissioners shall provide to the CRC reasonable funds, facilities, and services appropriate to their reasonable needs. Provisions for expenditures shall be made in the budget.

Section 9.20: Charter Amendment

9.20.10: General Provisions

Charter amendments may

be proposed by the CRC, the Board of County Commissioners, or by the public. Any proposed charter amendment shall be filed and registered by the Auditor and submitted to the voters at the next general election occurring at least ninety days after registration of the proposed amendment by the Auditor. If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that the people may vote for or against the amendments separately; provided that an amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

If a proposed amendment is approved by a majority of the voters voting on the issue, it shall be effective ten days after the results of the election are certified unless a later date is specified in the petition or ordinance proposing the amendment and shall not be subject to referendum. Any implementing ordinance required by any charter amendment shall be enacted by the Board of County Commissioners within one-hundred-eighty days after the amendment is effective, unless the amendment provides otherwise.

9.20.20: Amendments by the Charter Review Commission

The CRC may propose amendments to the charter by filing such proposed amendments with the Auditor who shall submit the amendments to the voters at the next general election occurring at least ninety days after filing and registration of the amendments.

9.20.30: Amendments by the Public

Any registered voter or group of voters of Clark County may propose amendments to the charter with the Auditor who, within five business days shall confer with the petitioner to review the proposal as to form and style. The Auditor shall determine within three business days of the meeting with the petitioner whether the petition is in proper form and shall notify the petitioner in writing of his or her findings. If the petition is not in proper form, the Auditor shall refuse the petition and return it to the petitioner with a detailed written explanation of the defects. If the petition is in proper form, the Auditor shall forthwith

transmit a copy of the proposal to the Prosecuting Attorney, who within ten business days of such transmission, shall confer with the petitioner to review the legal aspects of the proposal, and formulate a concise statement posed as a positive question not to exceed twenty-five words which shall express and give a true and impartial statement and which shall thereafter be the ballot title, and shall write a true and impartial summary of the initiative not to exceed seventy-five words. The Prosecuting Attorney shall thereupon submit the initiative petition with ballot title and summary to the Auditor, who shall register the proposed initiative with a number which shall thereafter be the identifying number for the measure.

The petitioner shall have one-hundred-eighty days after the Auditor registers the initiative petition to collect the signatures of the registered voters of the county equal in number to not less than eight percent of the number of votes cast in the last even-year general election. The proposed amendment shall be submitted to the voters at the next general election occurring at least ninety days after the signatures on the petition are verified.

Every initiative petition for charter amendment shall contain the warning clause prescribed by state law, the full text of the proposed measure, ballot title, and initiative summary.

9.20.40: Amendments by the Board of County Commissioners

The Board of County Commissioners may propose amendments to the charter by a majority of affirmative votes enacting an ordinance to submit a proposed amendment to the voters at the next general election occurring at least ninety days after enactment.

ARTICLE X - SEVERABILITY

The provisions of this charter are severable; if any provision should be declared to be unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this charter.

ARTICLE XI - TRANSITIONAL PROVISIONS

Section 11.10:

The provisions of this Article

relate to the transition from the existing form of government to the form of government established by this charter, and where inconsistent with the foregoing Articles of this charter, the provisions of this Article shall constitute exceptions.

Section 11.20: Effective Date

This charter shall take effect upon certification of the election approving this charter.

Section 11.30: Continuation of Ordinances and Vested Rights

All ordinances, administrative rules, and resolutions in force at the time this charter takes effect, to the extent they are not inconsistent with the provisions of this charter, shall remain in force until amended or repealed. All rights, claims, obligations, proceedings, and liabilities either in favor of or against the county, and any criminal proceedings existing on the effective date of this charter, shall not be affected by the adoption of this charter.

Section 11.40: Transitional Districting

Immediately following the effective date of the charter, the Board of County Commissioners shall appoint a Transitional Districting Commission (TDC) consisting of five persons. The first four members shall be selected from lists presented by each of the two political parties whose candidates received the greatest number of votes in the last even-year general election. Two persons will be appointed from each list from each of the two parties. Not later than thirty days after the effective date of the charter, the first four members of the TDC will meet and select the fifth member of the TDC, who shall serve as the chair.

The County Auditor shall be the districting master (Master) for the TDC. In the event the Auditor is unable or unwilling to serve, the TDC shall appoint a different Master. The Master shall submit a county districting plan to the TDC not later than forty-five days after the effective date of the charter. The plan shall be consistent with the criteria set forth in Section 7.50 of this charter.

The TDC shall promptly publish the plan received from the Master and conduct at least one public hearing on the plan not later than thirty days after the plan's publication. Additional public hearings and

deliberative meetings may be held as deemed necessary and useful by the TDC.

Following its deliberations on the plan, the TDC shall either adopt or, in consultation with the Master, amend and adopt the districting plan. The TDC's recommendation shall be completed and submitted to the Board of County Commissioners no later than March 1, 2003. A failure by the TDC to adopt a districting plan by March 1, 2003, shall have the effect of TDC adoption of the plan as submitted by the Master.

Immediately upon adoption of a plan by the TDC, the plan shall be filed with the Board of County Commissioners for its consideration. Not later than April 1, 2003, the Board of County Commissioners shall adopt or amend and adopt the TDC's recommendation and submit to the Auditor a map of the County that establishes five separate county commissioner districts.

Section 11.50: Terms of Office, Year of Election of County Commissioners

Commissioners shall be elected for a term of four years. Those Commissioners in office when this charter becomes effective, and those elected on the same date as approval of this charter by the electorate, shall remain in office for the remainder of their elective terms as representative of the district in which they reside. The Commissioners from the remaining two districts shall be initially elected in the primary and general elections of 2003 and shall hold office for a term which expires at 11:59:59 p.m. on December 31, 2006. Thereafter, they shall be elected to four-year terms as set forth in Article VII.

Section 11.60: Commencement of Terms of Office

Those other elected officials in office when this charter becomes effective, and those elected on the same date as approval of this charter by the electorate, shall remain in office for the remainder of their elective terms.

Section 11.70: County Employees

All elective county officials holding office on the effective date of this charter, and those elected on the same date as approval of this charter by the electorate, shall receive not less than

the same compensation which he or she was receiving prior to the adoption of this charter. All non-elective county employees shall be continued in county employment in the same position and at not less than the rate of compensation which he or she was then receiving, and thereafter shall be subject to the county's human resource policies in effect at the time of charter passage by the electorate, and as subsequently amended.

Section 11.80: Boards and Commissions

All boards and commissions existing when this charter takes effect shall continue until modified or abolished by the Board of Commissioners.

Section 11.90: Budget

The biennial budget which is in effect when this charter takes effect shall remain effective until revised or as superseded by the Board of County Commissioners. Thereafter the budget shall be adopted pursuant to the time frames and in the manner set forth in State law.

Section 11.100: Initial Voter Revision (New)

Should the voters decide that the Board of County Commissioners shall consist of three members, Sections 3.20, 3.30, 7.30, 7.50 and 11.50 shall be modified to reflect such vote and Section 11.40 shall be deleted from the Charter.

Depending on a vote of the people, Article VIII may be deleted or included in the Charter.